

PUBLIC ACCESS TO RECORDS POLICY

1. Purpose and scope.

A. The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to such information shall be provided pursuant to the law, rules and regulations of New York State.

B. This policy statement provides information concerning the procedures by which records may be obtained.

C. Town personnel shall furnish to the public the information and records required to be disclosed by the Freedom of Information Law, as well as records otherwise available by law.

2. Designation of records access officer.

A. The Town of Riverhead hereby designates the following person(s) as records access officer(s) regarding each individual town department as follows:

- (1) Accounting: Department Head or Designee
- (2) Animal Control: Department Head or Designee
- (3) Assessor: Department Head or Designee
- (4) Building: Department Head or Designee
- (5) Code Enforcement: Department Head or Designee
- (6) Community Development: Department Head or Designee
- (7) Economic Development Zone: Designee
- (8) Engineering: Department Head or Designee
- (9) Fire Marshal: Department Head or Designee
- (10) Highway: Department Head or Designee
- (11) Historian: Designee
- (12) Information Technology: Department Head or Designee
- (13) Justice Court: Department Head or Designee

- (14) Municipal Garage: Department Head or Designee
- (15) Personnel: Designee
- (16) Planning: Department Head or Designee
- (17) Police/COPE/JAB/Youth Court: Department Head or Designee
- (18) Purchasing: Designee
- (19) Receiver of Taxes: Department Head or Designee
- (20) Recreation: Department Head or Designee
- (21) Sanitation: Department Head or Designee
- (22) Senior Citizen Programs: Department Head or Designee
- (23) Sewer District: Department Head or Designee
- (24) Supervisor's Office: Designee
- (25) Town Attorney's Office: Department Head or Designee
- (26) Town Board: Designee
- (27) Town Clerk: Department Head or Designee
- (28) Water District: Department Head or Designee

B. The respective records access officer is responsible for insuring appropriate agency response to public requests for access to records. The designation of a records access officer shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.

The records access officer shall insure that each respective department:

- (1) Maintain an up-to-date subject matter list.
- (2) Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.
- (3) Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.

- (4) Upon locating the records, take one of the following actions:
 - (a) Make records available for inspection; or,
 - (b) Deny access to the records in whole or in part and explain in writing the reason(s) for denial.
- (5) Upon request for copies of records:
 - (a) Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8; or,
- (6) Upon request, certify that a record is a true copy; and
- (7) Upon failure to locate records, certify that:
 - (a) The Town of Riverhead is not the custodian for such records, or
 - (b) The records of which The Town of Riverhead is a custodian cannot be found after diligent search.

3. Location.

Records shall be available for public inspection and copying at each respective department delineated in Section 2.

4. Hours for public inspection.

Requests for public access to records shall be accepted and records produced during the following hours of business: 9:00 a.m. to 4:00 p.m., Monday to Friday, excluding holidays.

5. Requests for public access to records.

A. Each request for records must be in writing and shall be submitted to the Town Clerk's Office, 200 Howell Avenue, Riverhead, New York, 11901, whereupon such written request shall be time-stamped and assigned a unique FOIL number for identification purposes. The Town Clerk or designee shall thereafter immediately forward the records request via e-mail to the appropriate town department's records access officer delineated herein for processing.

B. If records are maintained on the internet, the requester shall be informed that the records are accessible via the internet and in printed form either on paper or other information storage medium.

C. A response by the appropriate records access officer shall be given within five business days of receipt of a request by:

- (1) informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including

direction, to the extent possible, that would enable that person to request records reasonably described;

- (2) granting or denying access to records in whole or in part;
- (3) acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part; or
- (4) if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.

D. In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

E. A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:

- (1) fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;
- (2) acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;
- (3) furnishes an acknowledgment of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;

- (4) fails to respond to a request within a reasonable time after the approximate date given or within twenty business days after the date of the acknowledgment of the receipt of a request;
- (5) determines to grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request, but fails to do so, unless the agency provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or part;
- (6) does not grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or
- (7) responds to a request, stating that more than twenty business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

6. Subject matter list.

- A. The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to subdivision two of Section eighty-seven of the Public Officers Law.
- B. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
- C. The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.

7. Appeal/denial of access to records.

- A. Denial of access to records shall be in writing stating the reason therefore and advising the requester of the right to appeal to the individual or body established to determine appeals, [who or which] shall be identified by name, title, business address and business phone number.
- B. If requested records are not provided promptly, as required in Section 5 of these regulations, such failure shall also be deemed a denial of access.
- C. The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:

William M. Duffy or designee
FOIL Records Appeals Officer
Town of Riverhead, 200 Howell Avenue, Riverhead, New York, 11901
Tel: 631-727-3200 x 378 e-mail address: duffy@riverheadli.com

D. Any person denied access to records may appeal within thirty days of notice of the denial by filing a written appeal addressed to the FOIL Records Appeals Officer stated in subsection (C), above.

E. The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:

- (1) the date and location of requests for records;
- (2) a description, to the extent possible, of the records that were denied; and
- (3) the name and return address of the person denied access.

F. A failure to determine an appeal within fifteen business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

8. Fees.

A. There shall be no fee charged for:

- (1) inspection of records;
- (2) search for records; or
- (3) any certification pursuant to this part.

B. Fees for copies:

- (1) the fee for copying records shall be twenty-five (.25) cents per page for photocopies not exceeding 9 by 14 inches;
- (2) the fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction; or

C. The fee for a copy of any other record shall be based on the actual cost of reproduction and subject to the following:

- (1) an amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and
- (2) the actual cost of the storage devices or media provided to the person making the request in complying with such request; or
- (3) the actual cost to the agency of engaging an outside professional service to prepare a copy of a record, but only when an agency's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.

D. For those records that the Town of Riverhead has the ability to retrieve or extract from a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the Town shall retrieve or extract such record or data electronically. In such case, the Town may charge a fee in accordance with subsection B. and C. above.

E. The Town shall inform a person requesting a record of the estimated cost of preparing a copy of the record including but not limited to circumstances involving more than two hours of an employee's time, or if it is necessary to retain an outside professional service to prepare a copy of the record.

F. The Town reserves the right to require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.

G. Payment of Fees: Applicants may pay with cash or postal money order, certified bank check or an attorney's account check (checking account or IOLA account), payable to the "Town of Riverhead". Please write the FOIL request number on the check.

H. The Town reserves the right to waive a fee in whole or in part when making copies of records.

9. Abandonment of request.

The Town of Riverhead shall deem your FOIL application withdrawn (without notification of same) in the event that you, as applicant, fail to retrieve or review the requested documents within 10 (ten) business days. You will be required to file a new application in the event you still wish to retrieve or review the requested documents subject to all attendant costs.

10. Public notice.

A copy of this policy statement is available on the Town of Riverhead web site at www.riverheadli.com and in the Town Clerk's Office.

11. Severability.

If any provision of this policy statement or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this policy statement or the application thereof to other persons and circumstances.

TOWN OF RIVERHEAD DEPARTMENTS & RECORDS

Accounting Department

Employment Application
Payment Claim Voucher
Purchase Requisition
Vendor Packet
Vendor Verification Form

Ambulance

FOIL requests handled by Ambulance office

Animal Control

Adoption Information
Agriculture & Markets Information
Animal Disease Information
Animal Statistics
Background Checks
Dog Bite Information
Euthanasia Forms
Field Reports
Microchip Registration
Rabies Certificates
Summons Logs

Assessors Office

Appraisals
Denial Letters
Grievances
Property Record Cards
Pro Rata Notices
Sewer Consumption Reports
Tentative Rolls/Final Rolls/Tax Rolls
Deeds/Surveys

Attorney

Limited correspondence & contract information available

Business Improvement District

Limited correspondence & contract information available

Building Department

Building Permits
Bed & Breakfast Permit Application
Certificates of Occupancy

Construction Plans
Demolition Permit Application
Dumpster Permit Application
Electrical Inspection Application
Health Department Approvals
Letter of Pre-existing Use
Outdoor Dining Permit Application
Pool Permit Application
Sign Permit Application
Surveys
Use Permit Application
Zoning Board of Appeals Application for Signs

Code Enforcement

Complaint Form
Inspection Reports
Investigation Reports
Housing Rentals
Violation Notices
Rental Permit Application & Permits
Title Search Requests

Community Awareness Program

FOIL requests handled by Community Awareness Program

Community Development

Grant Documents
Home Improvement Records
Urban Renewal Information
Including Agreements

Economic Development Zone

Limited correspondence & contract information available

Engineer

Drainage
Dredging
Maintenance
Plans
Street Lights
Traffic Signals
Stormwater Review
Illicit Discharge Documentation

Fire Marshal

Commercial Plans - Fire Marshall Submission
Fire Alarm Certification & Testing
Fire Investigations
Fire Prevention Permit Application
Annual Permit
Fire Prevention Permit Installation Application
Fire Sprinkler Annual Certification & Testing
Site Plan Applications
Inspections of Existing Buildings/
Commercial Business Files
Private Fire Hydrant Certifications
Appearance Ticket Log
Complaint Log

Highway Department Forms

Alteration or Excavation of Highways and Erection of Pole Permit
Application for Temporary Obstruction of Highway
Complaints
Contracts
Equipment Inventory
Government Permits
Highway Specifications
Purchase Records
Requisitions
Road Opening Permits
Subdivisions
Utility Markouts
Work Records

Historian

All historic records available through direct request to historian; please call ahead with requests 369-9717; genealogy information available through Suffolk County Historical Society

Industrial Development Agency

FOIL requests handled by Industrial Development Agency

TOWN OF RIVERHEAD DEPARTMENTS & RECORDS

Justice Court

Information requests handled by
Justice Court

Municipal Garage

Fuel Information
Garage Plans
Gas Boy System
Impound Release Form
Purchase Orders
Repairs
Vehicle Information Sheets
Vehicle Disposition Information

Personnel

Civil Service Information
Employee Policies
OSHA Regulations
Employee Accident Form
Employment Applications
Employment Contracts
Health Insurance Information

Planning Department

Chapter 12 Applications
CAC Applications
Site Plan Application
Land Subdivision Applications/Maps
Land Conveyances
Transfer of Development Rights
Un-mergers
Zoning Board of Appeals Appl.

Police/COPE /JAB /Youth Court

FOIL requests handled by Police
Department

Recreation

4-Wheel Permit Information
Contracts
Purchase Orders
Recreation Permits
Recreation Program Application
Recreation Program Refund Form
Requisitions
Revenue Reports

Skate Park Liability Waivers

Skate Park Revenues

Sanitation

DEC Annual Reports-Hazardous
Waste/Recycling

Section 8

FOIL requests handled by Section 8
office

Senior Center

Client Registration Cards
County Reports
Daily Sign-in Logs
Home Assessments
Meals on Wheels Information
Residential Repairs

Sewer District

Customer Correspondence
Health Department Letters
Scavenger Waste Application
Sewer Connection Application
Sewer Data & Maps

Supervisor

Limited correspondence information
available

Tax Receiver

Apportionments
Arrears
Corrections of Error
Pro Rata
Rate Sheet Information
Reports
Scavenger Payments
Small Claims Filings
Tax Records
Tax Rolls
Tax Warrants
Water Payments

Town Board

Limited correspondence information
available individually

Water District

Bids
Customer Correspondence
Main Extensions Construction
Meter Readings
Pumpage Data
Service Installation Work Orders
Water Quality Data

TOWN OF RIVERHEAD DEPARTMENTS & RECORDS

Town Clerk

Agendas – Town Board Meetings
Agreements, Contracts, Leases, Lease Agreements
Assessors/ Board of Assessment
Review - Certioraris and Small Claims
Assessment Review Petition
Board of Assessment Review
Members - Office of Real Property
Services Certificates of Attendance, Appointments
Audits – Office of State Comptroller and Independent Outside Accounting Firms
Bids – Open Bid Reports, Proof of Publication, Letters of Credit, Conformed Contracts
Board of Elections – Special Elections, General Election Results
Bonds, Letters of Credit, Performance Bonds,
Budget – Preliminary, Tentative, Annual
Census Info
Civic Organizations
Claims
Committees, Boards – (ZBA, Planning Board, ARB, CAC, Landmarks Preservation, Accessory Apartment Review Board, IDA, Ethics)
Appointments, Minutes and Resolutions of any Meetings
Correspondence
Dogs/Animal Control – Dog License and Reports
Dredging/Drainage information
Financial Disclosure Statement Forms for Elected and Appointed Officials and Other Employees
Fire Districts – Election Reports, Budget and Financial Reports
FOIL Log and Requests
Handicapped Parking Permits with Confidential Patient Information

Highway and Roads – All records relating to Order of Laying Out, Altering or Discontinuing of Town Highways, Certificates of Abandonment, Highway/Sidewalk Defect Book
Speed Limit Reductions – Petitions, TE9 Applications, NYS Dept. of Transportation Investigation Report
Home Rule
Lawsuits
Local Laws – Proof of Publication, Department of State Notice of Filing, Mobile Home Parks - Permits
Ordinances
Oaths of Office
Parking District
Petitions for establishment and creation of districts, special improvements (ie: water, sewer, etc)
Permits/License – Alcoholic License Renewal Applications, Chapter 90, Fireworks, Going Out of Business, Junk Dealers, Peddlers, Parade, Waste Disposal License, Shellfishing Permits, Yardsale Permits
Planning – Planning Board Determinations
Racing and Wagering – Bingo/Games of Chance Application, License; Weekly, Quarterly and Annual Financial/Operational Reports
Records Disposition Documentation
Reports – Weekly, Monthly, Yearly or Other Periodic Financial and Statistical Reports from Town Departments and any other outside agency
School Districts – Boundary Maps
Site Plans – Application with Supporting Materials Including Maps, Traffic Study Reports, GEIS, DEIS, FEIS
Special Permits – Application with Supporting Materials including Site Plan Maps, Proof of Publication,

Correspondence, Public Hearing Results and Decisions
Zoning Changes – Application with Supporting Materials including Site Plan Maps, Proof of Publication, Correspondence, Public Hearing Results and Decisions
Zoning Board Determinations
Zoning Change – Notice of Proposed Zoning Changes from Neighboring Towns
Zoning Maps
Hunting/Fishing License – NYS DEC
Birth/Acknowledgement of Paternity - Confidential
Death Certificates/Burial Permits – Confidential
Marriage Licenses and Marriage Log– Confidential
Minute and Resolution Books – Town Board Meetings, CDA Meetings, Water District, Sewer District

(updated September 29, 2010)
**APPLICATION FOR PUBLIC ACCESS TO RECORDS
TOWN OF RIVERHEAD**

FOIL No: _____

**NOTE: ALL APPLICATIONS FOR PUBLIC ACCESS TO RECORDS SHALL BE SUBMITTED TO THE RIVERHEAD TOWN
CLERK'S OFFICE LOCATED AT 200 HOWELL AVENUE, RIVERHEAD, NEW YORK, 11901**

Section 1: TO BE COMPLETED BY APPLICANT

Department: _____
(Department from which record is sought if known)

I hereby apply to inspect the following record. (Please specifically describe the record sought. If possible, provide a date, a file title, tax map number (where applicable) and other information that will help locate the record desired).

Suffolk County Tax Map No. (if applicable): 0600 -

Documents to be reviewed? Documents to be copied?
Yes _____ No _____ Yes _____ No _____

Date of Application: _____

Mode of Delivery: Applicant please specify the mode of delivery regarding the Town's response to your request by placing an "x" and/or completing the appropriate section.

1. In-Person retrieval _____
2. Regular Mail _____
3. Electronic Mail _____, e-mail address: _____
4. Fax _____

Printed name and address of applicant:

Personal Telephone No.: _____ Fax No. : _____ Signature of Applicant: _____

A letter will be mailed to you indicating your request is being processed within 5 business days of receipt.

NOTICE TO APPLICANTS: THE TOWN OF RIVERHEAD RESERVES THE RIGHT TO REQUIRE ADVANCE PAYMENT PRIOR TO REPRODUCTION OF REQUESTED RECORDS.

Section 2: NOTICE TO DEPARTMENT RECORDS ACCESS OFFICER

Please photocopy and/or duplicate FOIL response and file appropriately within your respective department.

Section 3: FOR USE BY DEPARTMENT RECORDS ACCESS OFFICER ONLY

**Please note: requests can be denied in part, and granted in part.

_____ Records located (please specify details below)

If copies are requested, please specify _____ pages and/or _____ maps

If redactions are necessary, please specify the type of information to be redacted:

_____ Denied: Reason for denial: _____ (Insert No. corresponding to applicable reason for denial as listed on second page of this form)

_____ Need additional time to process request:

Number of days: _____

Reason for delay: _____

_____ Records cannot be found after diligent search _____

Please specify what steps were taken to locate documents and by whom (please include dates of each step taken):

Name Signature Title Date

REASONS FOR DENIAL

1. Record(s) specifically exempted from disclosure by state or federal statute: _____ (provide applicable state or federal statute section).
2. Disclosure would constitute an unwarranted invasion of personal privacy as follows:
 - (a) disclosure of employment, medical or credit histories or personal references to applicants for employment;
 - (b) sale or release of lists of names and addresses if such lists would be used for commercial or fund-raising purposes;
 - (c) disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such information is not relevant to the work of the agency requesting or maintaining it;
 - (d) disclosure of information of a personal nature reported in confidence to an agency and not relevant to the ordinary work of such agency;
 - (e) release of names and addresses of those persons filing complaints.
3. Disclosure would impair present imminent contract awards or collective bargaining agreements.
4. Records are trade secrets or are maintained for the regulation of commercial enterprise which, if disclosed, would cause substantial injury to the competitive position of the subject enterprise.
5. Records are compiled for law enforcement purposes and, if disclosed, would:
 - (a) interfere with law enforcement investigations or judicial proceedings;
 - (b) identify a confidential source or disclose confidential information relating to a criminal investigation;
 - (c) reveal criminal investigative techniques or procedures, except routine techniques and procedures.
6. Disclosure would endanger the life or safety of a person or persons.
7. Record(s) are inter-agency or intra-agency materials which are not:
 - (a) factual or statistical tabulations or data;
 - (b) instructions to staff that affect the public;
 - (c) final agency policy or determinations.

EXPLANATIONS OF REASONS FOR DENIAL:

PLEASE NOTE: APPLICANTS MAY APPEAL A DENIAL BY FILING A NOTICE OF APPEAL WITHIN 30 DAYS OF RECEIPT OF THE NOTICE OF DENIAL ADDRESSED TO DANIEL P. McCORMICK, FOIL RECORDS APPEALS OFFICER, TOWN OF RIVERHEAD, 200 HOWELL AVENUE, RIVERHEAD, NY, 11901.